



**City of New Orleans**  
*Great Place to Work Initiative*  
*Civil Service Rule Updates*

*June 12, 2014*

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# Rule Improvement Package

## 1. BETTER HIRING TECHNIQUES

### 1. Current Rule I. Number 9

"Band": a series of test scores, defined by a high score and a low score, which, based upon the psychometric properties of the total distribution of test scores, may be interpreted as indicative of a given level of knowledge, skill or ability for a job class.

#### RECOMMENDATION

*We withdraw this proposed Rule change on the recommendation of Civil Service Department.*

### 2. Current Rule V. Section 2.4

The Director shall fix requirements of training, residence, age, health, skill, education, or other qualifications for admission to examination. Such qualifications must be possessed by any applicant by the final filing date for each examination unless otherwise specified on the official announcement.

#### RECOMMENDATION

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

The Director shall fix minimum qualifications for training, residence, age, health, skill, education, or other qualifications for admission to examination for each class. Such qualifications must be possessed by any applicant by the final filing date for each examination unless otherwise specified on the official announcement. The Director shall seek appointing authority input in this process. No examination will open to applications until such time as the appropriate appointing authority has signed a draft of the official announcement stating the minimum qualifications and form of examination. If no agreement between the Director and appointing authority is reached on the position's minimum qualifications or proper form of examination, the issue may be brought before the Commission for a decision.

### 3. Current Rule V. Section 5.3

Any period during which any list may remain in force may be extended by the Director for a period no longer than three years from the date of the original establishment thereof. The Civil Service Commission may extend such lists for up to an additional two (2) years.

#### RECOMMENDATION

*We have amended this proposed Rule change in part on the recommendation of Civil Service Department.*

Any period during which any list may remain in force may be extended by the Director for a period no longer than three (3) years from the date of the original establishment thereof. The Civil Service Commission may extend such lists for up to an additional two (2) years. If affected appointing authorities provide evidence to the Department that the skills or working conditions for the position require a new list or the examination scores of

the remaining eligible candidates are below the original fiftieth (50th) percentile, an appointing authority may request that the Department establish a new list of eligibles.

#### **4. Current Rule V. Section 5.4 a, b, & c.**

Combining lists: When establishing a list for a class for which a list already exists the following conditions shall apply: (amended July 25, 2001, amended December 14, 2009, effective January 1, 2010)

a) If the same test was used to create both lists, the names on the current and new lists shall be placed on one list arranged according to examination score. If the name of any individual appears on both the current and new lists, his standing on the combined list shall be determined by the highest score obtained on either of the examinations.

b) If the tests used to create the lists being combined are not the same, names on the new list shall precede those on the current list.

c) In any case that lists are combined, names from the current list shall be removed from the combined list at the time the current list is allowed to expire. In any case that banded lists are combined, the number of the band is considered the examination score.

#### **RECOMMENDATION**

*We withdraw this proposed Rule change on the recommendation of Civil Service Department.*

#### **5. Rule V. Section 10**

Title of New Rule

#### **RECOMMENDATION**

Rule V. Section 10. WORKPLACE DIVERSITY AND INCLUSION

#### **6. Rule V. Section 10.1**

New Rule

#### **RECOMMENDATION**

10.1 The Department shall make efforts to target recruitment and promotional appointment opportunities in order to attract qualified candidates who reflect the demographics of the city.

#### **7. Current Rule VI. Section 1.1**

Vacancies in positions in the classified service may be filled by demotion, transfer, reinstatement, reemployment, promotion, original appointment, or temporary appointment. Preference shall be given to the methods named in the order in which they are listed above, under the conditions and subject to the restrictions and limitations set forth in the Rules. A vacancy shall be considered filled under any of the methods specified,

and employment hereunder effective, as of the date on which the employee enters into the duties of the position, in accordance with the Law and the Rules.

## RECOMMENDATION

*Civil Service Department does not oppose this Rule change.*

Vacancies in positions in the classified service may be filled by demotion, transfer, reinstatement, reemployment, promotion, original appointment, or temporary appointment. A vacancy shall be considered filled under any of the methods specified, and employment hereunder effective, as of the date on which the employee enters into the duties of the position, in accordance with the Law and the Rules.

## **8. Current Rule VI. Section 2.3**

Request for selective certification: When an appointing authority in his request for certification of eligibles for a position has specified necessary or desirable qualifications of candidates for appointment to the position, the Director shall certify from a list of eligibles having such qualifications, if the Director deems that the request has offered satisfactory evidence that the nature of the position to be filled warrants such certification. If it is necessary to hold a new examination to establish a list of a sufficient number of persons eligible for such selective certification, the Director may authorize provisional appointment, pending establishment of the eligible list, of one of the top three eligibles on an existing list for the class, or any person who demonstrates to the satisfaction of the Director that he possesses, in sufficient degree to have a good chance of passing the examination, the special qualifications on the basis of which the selective certification procedure is to be used. The Director shall consider each request for selective certification on the basis of the facts in that particular instance. The burden of proof shall be on the appointing authority to prove to the satisfaction of the Director that selective certification is warranted. The Director may consider the cost of giving a special examination as a factor in determining whether selective certification is warranted.

## RECOMMENDATION

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

Request for selective certification: When an appointing authority has specified special necessary or desirable qualifications of candidates, to limit selection from within the organizational unit, or to limit selection to only current regular employees for appointment to a position, the Director shall certify from a list of eligibles having such qualifications, if the Director deems that the request has offered satisfactory evidence that the nature of the position to be filled warrants such certification. If it is necessary to hold a new examination to establish a list of a sufficient number of persons eligible for such selective certification, the Director may authorize provisional appointment, pending establishment of the eligible list, of any one of the eligibles on an existing list for the class, or any person who demonstrates to the satisfaction of the Director that he or she possesses, in sufficient degree to have a good chance of passing the examination, the special qualifications or conditions on the basis of which the selective certification procedure is to be used. The Director shall consider each request for selective certification on the basis of the facts in that particular instance. The burden of proof shall be on the appointing authority to prove to the satisfaction of the Director that selective certification is warranted. The Director may consider the cost of giving a special examination as a factor in determining whether selective certification is warranted.

### **9. Current Rule VI. Section 3.1**

Upon a request from an appointing authority to fill a position other than by demotion, transfer, or reinstatement, the Director shall certify to the appointing authority the names of three eligibles for such position of the class of the vacant position, and if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy. In cases of demotion, transfer or reinstatement, the Director shall approve or disapprove the name of the person submitted by the appointing authority.

#### **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

Upon a request from the appointing authority to fill a position other than by demotion, transfer, or reinstatement, the Department shall provide to the appointing authority the names of all candidates certified by the Department to meet the minimum qualifications, to have passed the examination, if any, and met any selective certification requirements requested by the appointing authority and approved by the Director. The Director may authorize an appointing authority to conduct examinations and may establish policies for appointing authority administered examinations. Such examinations shall be job-related and designed to assess applicants based on merit, efficiency, and fitness. In cases of demotion, transfer or reinstatement, the Director shall approve or disapprove the name of the person submitted by the appointing authority.

### **10. Current Rule VI. Section 3.2 (b)**

The certification of eligibles from promotional and/or employment lists may be presented in the form of a single band. Names on the appropriate re-employment list, if any, shall be certified first. If fewer than three of these are willing to accept the position, then the top-ranking eligibles from the promotion list, grouped into a single band according to the established psychometric formula for that examination, shall be certified. If no promotional list exists, the same procedure shall be applied to the employment list. As those eligibles with the highest scores are eliminated through appointment or removal from the list, additional names will be added to the band as necessary to maintain the same range of scores within the band.

#### **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

The certification of eligibles from promotional, reemployment and/or employment lists shall be presented in order of the examination score, when competitive, on the same register.

### **11. Current Rule VI. Section 4.1**

Reemployment lists shall consist of the names of persons who were separated from their positions for reasons other than fault or delinquency on their part, except as provided in Rule IX, and who, at the time of their separations, had attained permanent status in that class of positions in accordance with the Law and Rules. The order in which these names shall be ranked on the reemployment list shall be in accordance with their number of years of continuous city employment in that class of positions. In case two or more employees have equal service in that position, the person who has the greatest number of years of continuous service in city

employment shall be ranked highest. Except as allowed in Rule XII, Section 6.1, no person may be certified from a reemployment list or be reinstated who has voluntarily retired; provided, however, a person who has voluntarily retired may be reinstated, with the approval of the Personnel Director, only to the position he last held, and in the event of his reinstatement, said employee waives all pension rights while so employed.

#### RECOMMENDATION

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

Persons who were separated from their positions for reasons other than fault or delinquency on their part, except as provided in Rule IX, and who, at the time of their separations, had attained permanent status in that class of positions in accordance with the Law and Rules may be included on employment lists. Except as allowed in Rule XII, Section 6.1, no person may be certified from a reinstatement list or be reinstated who has voluntarily retired; provided, however, a person who has voluntarily retired may be reinstated, with the approval of the Personnel Director, only to the position he last held, and in the event of his reinstatement, said employee waives all pension rights while so employed.

### **12. Current Rule VI. Section 4.3**

Preferred reemployment lists shall precede general reemployment lists in certification, provided that persons on such lists meet the requirements and qualifications, to be determined by the Director, to perform the duties of the position involved.

#### RECOMMENDATION

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

Preferred reemployment lists shall precede general employment lists in certification, provided that persons on such lists meet the requirements and qualifications, to be determined by the Director, to perform the duties of the position involved.

## **2. BETTER CAREERS**

### **13. Current Rule V. Section 5.1**

On every competitive promotion list and employment list, the eligibles shall be ranked in the order of their ratings earned in the examination given for the purpose of establishing the list. The Director may determine that ratings earned in the examination shall be divided into bands. Bands shall be established based on psychometric properties of the test score distribution or on job analysis information. All scores falling within a given band shall be considered tied.

#### RECOMMENDATION

*We withdraw this proposed Rule change on the recommendation of Civil Service Department.*

#### **14. Current Rule V. Section 5.2**

The Director shall determine at the time any promotion list or employment list is established, the period during which the list shall remain in force, which shall not be less than one year nor more than three years at the discretion of the Personnel Director.

#### **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

The Director shall determine at the time any promotion list or employment list is established, the period during which the list shall remain in force, which shall not be less than three months nor more than three years at the discretion of the Personnel Director, in cooperation with the affected appointing authorities for departmental specific classifications and sub-headings. If no agreement between the Director and appointing authority is reached, the issue may be brought before the Commission for a decision.

#### **15. Current Rule V. Section 5.6**

Promotion lists: Such lists may be established on a service-wide, or a departmental-wide basis as determined by the Director in cooperation with the appointing authorities.

#### **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

Promotion lists: Such lists may be established on a service-wide, or a departmental-wide basis as determined by the Director, with approval from the appointing authority for departmental specific job classifications.

#### **16. Rule V. Section 5.7**

#### **New Rule Proposed**

Upon certification by the Department, an appointing authority may directly promote employees when justified by merit, fitness and efficiency to a new job class within their job series, provided the employee has been determined by the Department to meet the qualifications, pass the examination for the higher class and are certified by the Department. In such cases, the employee shall start at the minimum of the new salary range or receive a five (5) percent salary increase, whichever is greater.

#### **RECOMMENDATION**

*We withdraw this proposed new Rule on the recommendation of Civil Service Department.*

### **3. BETTER PAY**

#### **17. Current Rule IV. Section 2.2**

Subject to the prior approval of the Director, an appointing authority may grant an increase within the pay range to any employee given a special assignment for a limited term within his class of positions, provided that there shall be a corresponding pay reduction at the completion of the special assignment. A written notice of the intention to effect a reduction in pay on the completion of the special assignment shall be given to the employee when the increase is granted. Increases and reductions in pay shall be reported to the Director in such manner as he may prescribe.

#### **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

Subject to the revocation by the Director, an appointing authority may grant a prospective increase up to ten (10) percent within the pay range to any employee given a special assignment for a limited term within his or her class of positions, provided that there shall be a corresponding pay reduction at the completion of the special assignment. A written notice of the intention to effect the increase in pay as well as the reduction in pay on the completion of the special assignment shall be given to the employee when the increase is granted. Increases and reductions in pay must be reported to the Department in such manner as prescribed.

#### **18. Current Rule IV. Section 2.5(a)**

The rate of pay for any employee in a classified position may be advanced by action of the appointing authority, subject to the following limitations: (a) The total of these increases given in a calendar year shall be budgeted for each organization unit at an amount equal to 1.25% of the combined base rates (as defined in Rule I, Number 10) of pay of all permanent positions filled in the organization unit as of January 1 of that year. These increases shall not exceed this amount without the approval of the Commission.

#### **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

The rate of pay for any employee in a classified position may be advanced by action of the appointing authority, subject to the following limitations: (a) The total of these increases given in a calendar year shall be budgeted at the same percentage for each organization unit at an amount not less than 0.5% and up to 5% of the combined base rates (as defined in Rule I, Number 10) of pay of all permanent positions filled in the organization unit as of January 1 of that year.

#### **19. Current Rule IV. Section 2.5(b)**

Such advances shall be effective thirty (30) days after the receipt by the Commission of suitable documentation evidencing personal evaluation of the individual employee and detailing specific justification for the individual employee's entitlement to such an increase. Documentation shall include information on job performance, attendance, compliance with city regulations and disciplinary record.

#### **RECOMMENDATION**

*We have revised the proposed Rule to focus exclusively on objective job performance and incorporate feedback from the Civil Service Department.*

Such advances shall be effective thirty (30) days after the receipt by the Department of suitable documentation evidencing personal evaluation of the individual employee and detailing specific justification for the individual employee's entitlement to such an increase. In no case shall an increase in the rate of pay for any individual employee exceed 10% in any fiscal year. Documentation shall include information on objective job performance under a system approved by the Director.

## **20. Current Rule IV. Section 2.6**

Special Entrance Rate (Hiring Rate) (a) Special rates of compensation for classifications of work may be authorized to address employment problems resulting from recruitment and/or retention difficulties. Such advances may be authorized by the Personnel Director up to the first quartile in the salary range subject to the following criteria: The appointing authority has submitted a written request to the Director detailing the scope of the problem and its impact on the agency's ability to perform. 2. The Director has received verification from the appointing authority and the Chief Administrative Officer that funds are available for such increases. No such rates will become permanent until approved by the Commission at its next scheduled meeting. (b) Advances above the first quartile and up to the midpoint in a salary range may be authorized by the Civil Service Commission, provided the appointing authority has met the criteria listed above and the Personnel Director has recommended the establishment of appropriate special rates of compensation after reviewing all aspects and ramifications of the matter. (c) Advances above the midpoint rate in a salary range will not be allowed unless an appointing authority can demonstrate that the competitive market justifies such compensation. These advances may not take effect until they are approved by the Civil Service Commission and the City Council.

### **RECOMMENDATION**

Pay above the minimum for recruitment/retention difficulties.

(a) Hiring or paying above the minimum salary in order to address employment problems resulting from recruitment and/or retention difficulties may be authorized by the Personnel Director not to exceed the midpoint of the pay range, or up to the maximum of the pay range in extraordinary circumstances, provided that:

1. Appointing authority documents employment problems resulting from recruitment and/or retention difficulties and maintains detailed objective analysis of rationale for hiring above the minimum.

2. Appointing authority receives appropriate approvals established by the Chief Administrative Officer, or other executive authority for participating agencies, in advance and reports the approval to the Department in such manner as prescribed.

(b) The salaries of all current probationary, provisional and permanent employees who occupy positions in the same job classification who perform the same job function with recruitment/retention difficulties and who possess the same qualifications/credentials should be adjusted up to, but not to exceed, the rate granted to that employee, provided that the qualifications/credentials are also verified and documented as job related. These adjustments shall only be made on the same date that the higher pay rate is given to that employee. Such increases above the minimum salary shall be subject to revocation by the Commission if appointing authority is found to have not complied with these Rules.

(c) When special recruitment rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions affected by the authorized rates shall not be changed.

## **21. Current Rule IV. Section 2.7**

Extraordinary Qualifications / Credentials (a) If an applicant who is eligible for appointment under the provisions of Rule V of these Rules possesses extraordinary or superior qualifications / credentials above and beyond the minimum qualifications / credentials, an appointing authority may request that the Director of Personnel authorize pay to the employee at a rate above the minimum provided that: Such superior qualifications / credentials are verified and documented as job related. 2. The rate is requested on or before the hire date. 3. The rate requested does not exceed the midpoint of the range for the affected job. 4. The rate is implemented in accordance with written policies and procedures established by the Department. 5. The appointing authority has received the budget approval of the Chief Administrative Officer. (b) The salaries of all current probationary and permanent employees who occupy positions in the same job classification and who possess the same or equivalent qualifications/credentials may be adjusted up to but not to exceed the rate granted to the newly hired employee provided that the qualifications/credentials are also verified and documented as job related. Such adjustments shall only be made on the same date that the higher pay rate is given to the newly hired employee. (c) All such increases must be approved by the Commission at its next scheduled meeting after action was taken by the Director.

### **RECOMMENDATION**

Pay above the minimum for superior qualifications / credentials (a) If an applicant who is eligible for appointment under the provisions of Rule V of these Rules possesses extraordinary or superior qualifications / credentials above and beyond the minimum qualifications / credentials, an appointing authority may pay the employee at a rate not to exceed the third quartile of the pay range provided that:

1. Appointing authority verifies and documents such superior qualifications / credentials as job related and an objective analysis of the public benefit rationale for hiring above the minimum.
2. Appointing authority submits to the Chief Administrative Officer, or other executive authority for participating agencies, for consideration whether the increase would obligate the city to higher costs in that fiscal year or the following year, including potential effects on the salaries of other personnel to ensure equitable pay policies.
3. Appointing authority receives appropriate approvals established by the Chief Administrative Officer, or other executive authority for participating agencies, in advance and reports the action to the Department in such manner as prescribed.

(b) The salaries of all current probationary, provisional and permanent employees who occupy positions in the same job classification who perform the same job function and who possess the same qualifications/credentials should be adjusted up to, but not to exceed, the rate granted to that employee, provided that the qualifications/credentials are also verified and documented as job related. These adjustments shall only be made on the same date that the higher pay rate is given to that employee. Such increases above the minimum salary shall be subject to revocation by the Commission if appointing authority is found to have not complied with these Rules.

## **4. BETTER PROCESSES**

### **22. Current Rule VI. Section 1.2**

Transfer. An employee may transfer to another position in the same class. This may occur within the same organization unit or across organization units. Each transfer requires the approval of both the employee's prospective appointing authority and the Personnel Director. It is important to note that a transfer differs from other personnel actions such as Lateral Classification Change, Promotion and Demotion. These actions are defined in Rule I.

#### **RECOMMENDATION**

*We withdraw this proposed Rule change on the recommendation of Civil Service Department.*

### **23. Current Rule VI. Section 2.1**

Whenever an appointing authority proposes to fill a vacancy in the classified service, he shall submit to the Director a statement showing the position to be filled and the class and duties thereof, and he may also specify the necessary and desirable qualifications of the person to be appointed thereto.

#### **RECOMMENDATION**

*Rule has been revised for clarity.*

Whenever an appointing authority proposes to fill a vacancy in the classified service, the appointing authority shall submit to the Department a statement showing the position to be filled, the duties thereof, the necessary and desirable qualifications of the person to be appointed thereto, and the proposed class, if known. The Department shall grant or deny the position allocation within seven (7) days for existing classifications and fifteen (15) days for new classifications, exclusive of Commission approval. The Department shall announce each vacancy within thirty (30) days of an approved allocation. The Department shall not withhold reasonable approval of the request unless it can demonstrate that the request violates the principles of the merit system. For the purposes of allocating positions to a class, the Department shall interpret the existing classes broadly and in accordance with Rule III Section 2.1, including waiving supervisory requirements and allowing a department to leverage classes used by other departments for efficiency. If the appointing authority and the Director disagree on the position's minimum qualifications or the class allocation and are unable to resolve their disagreement, the issue may be brought before the Commission for a decision.

### **24. Current Rule VI. Section 3.2**

(a) The eligibles certified shall be the highest ranking eligibles willing to accept employment, ranked in the following order: (1) all the eligibles on the appropriate reemployment list, if any; (2) those on a promotion list, if any; (3) those on an entrance employment list. All the names on any one of such lists shall be exhausted before any names are certified from another list, but the names certified may be taken from two or more lists if necessary to make a certification of three eligibles. Names shall be certified from each list in the order of their rank on that list.

#### **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

(a) The eligibles certified shall be the highest ranking eligibles willing to accept employment, ranked in the following order: (1) all the eligibles on the appropriate preferred reemployment list, if any; (2) all other eligibles. All the names on any one of such lists shall be exhausted before any names are certified from another list, but the names certified may be taken from two or more lists if necessary to make a certification of at least three eligibles. Names shall be certified from each list in the order of their rank on that list.

## **25. Current Rule VII. Section 1.2**

If the duration of the working test period is not stated at the time of the announcement of the test for a class of positions, the working test period shall be six (6) months in duration.

### **RECOMMENDATION**

*We disagree with Civil Service Department that this should be a CAO policy. The Commission has the power to regulate personnel matters for the classified service.*

If the duration of the working test period is not stated at the time of the announcement of the test for a position, the working test period shall be six (6) months in duration. No extension shall be allowed which would make the total working test period longer than one (1) year in the same position under the same appointing authority. The Chief Administrative Officer, or other executive authority for participating agencies, shall establish a system of performance measurement in accordance with Rule XI, which shall provide reliable data about the performance of each new employee within their first six (6) months. Supervisors of probationary employees who are still employed after three (3) months shall be required to perform an employee performance assessment at three (3) months, so the employees understand how they are performing and whether and how they need to improve under a performance improvement plan.

## **26. Current Rule XI.**

### **SERVICE RATINGS**

### **RECOMMENDATION**

### **PERFORMANCE MANAGEMENT**

## **27. Current Rule XI. Section 1.1**

A uniform service rating system for all organization units is established, which system shall include provisions for periodic rating of employees on the basis of performance. The Director shall prescribe the form on which service ratings are to be made, and each organization unit shall use the form prescribed by the Director in accordance with these Rules and the instructions given on the official form and its accompanying manual.

### **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

A uniform performance management system for all organization units is established, which system shall provide periodic reports to employees regarding their performance and the development of performance improvement plans, if applicable. Such system shall require the approval of and may be reviewed at any time by the Commission for compliance with the Laws for efficiency, uniformity, fairness and equity. The system shall provide for goal-setting driven by each employee and/or team of employees, appropriate performance measures, and work strategies or assignments for which results can be measured through objective performance data for which the employee is directly responsible, including customer satisfaction data if applicable. The goals and measures must be recommended by each employee or team of employees and approved by each direct supervisor and appointing authority at least annually, but may also be updated more frequently as needed for effective and efficient service to citizens and operations. The system shall also provide for employee self-evaluation, supervisor feedback, performance improvement mechanisms, and, if desired by the appointing authority, peer or subordinate feedback.

## **28. Current Rule XI. Section 1.2**

The service rating period July 1, 1982 - June 30, 1983 is extended by six months to December 31, 1983. As of January 1, 1984, and annually thereafter, the appointing authority of each organization unit shall have a service rating made of each regular (permanent) employee in that organization unit who has worked in the classified service during that rating period. However, if the employee has not worked for the current appointing authority for at least ninety (90) days during the rating period, the employee shall be rated by the appointing authority under whom the employee has most recently worked for at least ninety (90) days during the rating period. If the employee has not worked under any appointing authority for at least ninety (90) days, he shall be rated by the current appointing authority. Service ratings shall be made by the supervisor designated by the appointing authority as the individual most familiar with the employees work during the rating period. Such service ratings shall be prepared for all regular employees, including those currently serving in Emergency, Transient, Provisional or Probationary appointments. The service rating shall be discussed with the employee, and after such discussion the employee shall sign the rating, but this act of signing shall be evidence only of the fact that the rating has been submitted to the employee and discussed with the employee. Any refusal to sign shall be so noted on the official rating form. A rating made by the supervisor and signed by the employee shall then be reviewed by the appointing authority or the designated agent. The appointing authority or designate shall sign the rating as presented or as corrected and, when thus signed by the appointing authority or designate, the rating shall become effective as the official service rating of the employee for the period indicated thereon. Any modification by the appointing authority of the supervisor's rating of the employee shall be communicated to the employee and the supervisor.

## **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

The Chief Administrative Office, or executive authority for participating agencies, shall provide policies, instructions, and appropriate forms in specific formats that may be tailored to departmental needs. The Chief Administrative Office, or executive authority for participating agencies, shall oversee and ensure compliance with the system, and appointing authorities shall have responsibility for administering the performance management system in their departments. The Chief Administrative Office, or executive authority for participating agencies, review and approval of the performance goals is required. The Chief Administrative Office, or executive authority for participating agencies, shall provide training, advice and assistance to

departments and serve as a source of expertise. Goals, performance measures, performance data collected and utilized within the system, and performance assessments shall be provided to individual employees at least annually and that employee's input shall be sought as part of the process.

### **29. Current Rule XI. Section 1.3**

The appointing authority shall submit the original copy of the completed service rating and a certified list of the employees who were rated to the Civil Service Department not later than March 1st of each year. If an appointing authority cannot submit an employee's evaluation by March 1, that appointing authority shall submit, by March 1, a written request for an extension to the Personnel Director stating the reason the rating was not submitted and the date the rating will be submitted, which will be prior to April 1. The majority of the department's ratings must be submitted by March 1, to be granted this grace period. If an appointing authority fails to submit an employee's evaluation by March 1 and has not requested or received an extension to April 1 or fails to submit the rating by April 1 after an extension has been granted, the appointing authority will be in violation of this Rule and subject to sanctions by the Commission.

#### **RECOMMENDATION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

The appointing authority must provide a copy of the completed performance management forms and any other documentation required, as set forth in the procedures and within the timeframes provided by the Chief Administrative Office, or executive authority for participating agencies. The Director may review and receive a copy of the performance management forms in such manner as prescribed.

### **30. Current Rule XI. Section 1.4**

There shall be five possible service ratings, one of which shall be used in rating each employee. The service ratings are: "Outstanding", "Exceeds Requirements", "Competent", Needs Improvement, and "Unsatisfactory".

#### **RECOMMENDATION**

The Department and the Chief Administrative Office, or other executive authority for participating agencies, shall collaborate to provide management training for all supervisors in order to support an effective performance management system.

### **31. Current Rule XI. Section 1.5**

Only those employees who receive an overall rating of "Unsatisfactory" or "Needs Improvement" shall have a right of appeal to a service rating appellate board consisting of three members which the appointing authority shall designate to hear such appeal. The appointing authority shall notify an employee, in writing, of an overall "Unsatisfactory" or Needs Improvement rating and shall inform the employee, in writing, of the employee's right to appeal the rating. Within thirty (30) days after receiving official notice of the "Unsatisfactory" or "Needs Improvement" rating, an appeal, if desired, must be made in writing by the employee, specifying what the rating should be and the reasons therefore. Within thirty (30) days after the filing of such appeal, the appellate board shall hear the appeal, have prepared an official transcribed or taped record of the proceedings, render a

written decision either sustaining or modifying the rating which has been appealed and forward a copy to the employee and to the Personnel Director.

#### RECOMMENDATION

Delete Rule.

### **32. Current Rule XI. Section 1.6**

After a final written decision of the appointing authority has been rendered, an employee whose overall rating remains "Unsatisfactory" or "Needs Improvement" may appeal to the Personnel Director for a further review of the service rating. The appeal to the Personnel Director shall be based solely on the official record established at the hearing of the appeal before the appellate board. A written appeal to the Personnel Director must be filed by the employee within thirty (30) days of the effective date of the decision of the appellate board. After review, a written notice of the final decision of the Personnel Director shall be provided to the employee and to the appointing authority.

#### RECOMMENDATION

Delete Rule.

### **33. Current Rule XI. Section 1.7 (Renumber to Section 1.5)**

Once the "Unsatisfactory" or "Needs Improvement" rating has been determined to be final, the work performance of an employee who received the "Unsatisfactory" or "Needs Improvement" rating shall be reviewed by the appointing authority for a period of ninety (90) days. At the conclusion of this review period, the appointing authority must state in writing to the employee and to the Personnel Director whether or not the employee's work performance has improved. If, upon review, the work performance has not improved, the appointing authority shall take appropriate disciplinary action under the provisions of Rule IX.

#### RECOMMENDATION

Once poor work performance of an employee has been established, the appointing authority shall monitor the employee's performance for a period of at least thirty (30) days and not more than ninety (90) days. At the conclusion of the review period, the appointing authority must state in writing to the employee and to the Personnel Director whether or not the employee's work performance has improved. If, upon review, the work performance has not improved, the appointing authority shall take appropriate disciplinary action under the provisions of Rule IX.

### **34. Rule X. Section 1.6**

New Rule

#### RECOMMENDATION

The Department shall provide the necessary employment statistics regarding hiring, promotions, and pay increases to the City annually, if available. The City shall analyze this information and develop an Inclusion Index, which shall measure the City's employment opportunities and advances by race, ethnicity, sex, and age.

This report shall be in addition to any other reporting mandated by other federal, state, and local laws. As of the effective date of this Rule, the Department shall provide the relevant baseline data to the City for the previous fiscal year.

## **5. BETTER TRAINING**

### **35. Current Rule VIII. Section 4.2**

When an employee is authorized or assigned to attend a conference, convention, training program directly related to the employee's work or the work of the employee's department, or training program that is part of a Civil Service Department authorized employee growth and development program, no leave shall be reported and the employee shall be considered as working. All regular employees shall be allowed to take at least one course per month of available authorized Civil Service Department training, if such training is being taken as a requirement for a Civil Service Department promotional examination. Employees elected or appointed as trustees as defined by LA R.S. 9:1781 et seq, on any public employee retirement system's governing board, shall be given time off, subject to the approval of the appointing authority, without loss of pay when engaged in administrative or educational activities required to fulfill their statutory responsibilities as fiduciaries.

### **RECOMMENDATION**

When an employee is authorized or assigned to attend a conference, convention, training program directly related to the employee's work or the work of the employee's department, or training program that is part of an authorized employee growth or development program, no leave shall be reported and the employee shall be considered as working. All regular employees shall be allowed to take at least one course per month of available authorized training, subject to supervisor approval, which shall not be unreasonably withheld. In any case, appointing authorities shall approve at least four (4) training opportunities for employees each year. Employees elected or appointed as trustees as defined by LA R.S. 9:1781 et seq, on any public employee retirement system's governing board, shall be given time off, subject to the approval of the appointing authority, without loss of pay when engaged in administrative or educational activities required to fulfill their statutory responsibilities as fiduciaries.